



STATE OF DELAWARE  
**STATE FIRE PREVENTION COMMISSION**  
DELAWARE FIRE SERVICE CENTER

(302) 739 – 3160  
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1463 CHESTNUT GROVE ROAD  
DOVER, DELAWARE 19904

## **STATE FIRE PREVENTION COMMISSION**

Monthly Meeting

May 21, 2019

### **MEMBERS PRESENT**

David Roberts, Chairman  
Alan Robinson, Jr., Vice Chairman  
Ron Marvel  
Lynn Truitt  
William C. Kelly  
Joseph J. Leonetti, Sr.  
Richard T. Perillo

### **ALSO PRESENT**

Joseph C. Handlon, Deputy Attorney General  
Patrick Matthews, BLS Medical Director  
Sherry Lambertson, Executive Assistant  
David J. Truax, Investigator/Compliance Officer  
Grover P. Ingle, State Fire Marshal  
Robert P. Newnam, Director, State Fire School

### **GUESTS**

Bradley Gosch, American Legion Ambulance 64  
Michael Chionchio, Office of State Fire Marshal  
Jason Capps, DSEMSA President  
Jay Jones, DVFA  
Anthony Spiezio, DTI  
Richard Toulson, DVFA  
Tom Dicristofaro, DVFA

## **CALL TO ORDER**

Chairman Roberts called the meeting to order at 9:00 a.m.

## **PLEDGE OF ALLEGIANCE**

## **REGULAR BUSINESS**

### **APPROVAL OF APRIL 16, 2019 COMMISSION MEETING MINUTES**

It was moved by Commissioner Truitt, and seconded by Commissioner Leonetti that the minutes of the April 16, 2019 Commission meeting be approved. Motion carried by unanimous vote.

## **REPORT OF THE STATE FIRE MARSHAL**

### **INFORMATIONAL ITEMS**

#### **Personnel Items**

Fire Marshal Ingle reported that Chief Deputy Fire Marshal Harry Miller has made a lot of improvement, but there is not yet a timeline on his return to work.

Fire Marshal Ingle reported that Deputy Fire Marshal II Michael Pfaffenhauser is progressing along in his recovery from a work related injury. He is anticipated to return to work after the completion of his surgical rehabilitation. It may be several months before he can return to work on full duty.

The Administrative Specialist I position in Kent County has been filled by Lora Crowley. She will begin on May 28, 2019.

Fire Marshal Ingle attended a ceremony at the U.S. Attorney's Office for John Krzysiak, Deputy Fire Marshal III. He was recognized as a recipient of the U.S. Attorney for the District of Delaware 2019 Law Enforcement Public Service Award. This award was the result of his response to an incident in Elsmere that involved a pipe bomb. It was a large investigation that he participated in with the ATF Elsmere Police Department as well as other law enforcement agencies. Several pipe bombs were found at two separate locations. The individual arrested will be sentenced in July.

### Fire Deaths

Four fire deaths have occurred in May. One victim was from a Clayton incident that occurred in April. One other victim was from a Seaford incident, one from the Mill Creek district and lastly there was a fire death incident in the Christiana district. There are seven total fire deaths in 2019. Five without working smoke alarms, and two with. The two with smoke alarms had other circumstances that prevented the victim from escaping from the fire.

### Major Incident Investigations

April 25, 2019 – Just shortly after 10:30 PM the Claymont Fire Co. was alerted for a medical emergency in the area of the 300 block of Governor Printz Boulevard. On arrival the crew found a critically injured victim in the parking lot of a vehicle repair shop. The victim was suffering from burns and lacerations and was treated and transported to CER and later transferred to Crozer in critical condition. Deputy Fire Marshals were notified and responded to the scene. It was determined that an explosive device had been detonated and injuries to the victim came from the detonation of the device. The investigation is ongoing as to the how and why the explosion occurred. No property damage occurred.

April 25, 2019 – Around 1:30 AM the Five Points Fire Company was dispatched to a house fire in the unit block of Summit Avenue. Upon arrival flames were evident from the front of the home. One occupant from the house was severely burned, treated, transported to CER and later transferred to Crozer in critical condition. One other occupant was treated and released from CER for minor burns. Smoke detectors alerted the occupants of the fire. Deputy Fire Marshals determined the fire to be arson. Heavy fire damage was estimated a \$75,000.00 and the investigation is ongoing.

5/1/19 – Around 8:00 PM Seaford Fire Company was dispatched for a house fire in the 800 block Hurley Park Drive. Upon arrival they encountered a working fire in the unoccupied single family dwelling. Deputy Fire Marshals determined this to be an arson fire. Estimated damage is at \$250,000.00. Investigation continues.

May 1, 2019 – On or about 8:00 PM the Seaford Fire Company was dispatched for a second house fire in the 400 block of North Arch Street. Upon arrival they were confronted with heavy fire conditions. During the fire suppression operations a deceased victim was found in the home. Investigators from the Office of the State Fire Marshal Major Incident Response Team (MIRT) were called to the scene to begin the investigation. The victim was turned over to the Division of Forensic Science to perform an autopsy and make positive identification of the victim. A working smoke alarm was

Major Incident Investigations cont.

found in the home. Heavy fire damage was estimated at \$75,000.00. There were no other reported injuries, the American Red Cross was notified to provide emergency assistance to six adults that were displaced by the fire.

May 9, 2019 – Around 4:45 PM Christiana Fire Co. was dispatched to a fire in the 400 block of Old Walther Road. Upon arrival they discovered a burn victim outside the structure. EMS treated and transported the victim to Christiana ER where the victim was treated, stabilized and transferred to Crozer Medical Center in critical condition with life threatening injuries. The victim passed away from thermal burns overnight. This is the fifth fire fatality of the year and it was determined to be an outside fire, no smoke detectors involved. Incident under investigation.

May 13, 2019 – Around 4:30 AM Mill Creek Fire Company was alerted for an EMS call in the 2100 block of Capital Trail. Upon arrival of the EMS unit a burn victim was found screaming and hollering in the driveway of the residence. The victim was treated and transported by EMS to Christiana ER where the victim died from thermal burns. This is the sixth fire fatality of the year. Incident under investigation.

May 13, 2019 – Around 11:30 PM Aetna HH&L was dispatched to a structure fire in the unit block of North Wynwyd Drive, Woodmere. Upon arrival there was fire showing from the first floor. Deputy Fire Marshals were called to the scene for an investigation. The Deputies determined that the fire originated in the kitchen and was the result of items on the top of the stove that were accidentally ignited when those items came into contact with the burner on the stove. Smoke alarms inside the home operated, damage was estimated at \$250,000.00. No injuries reported, two dogs perished in the fire.

May 14, 2019 – Shortly after 3:00 PM Carlisle Fire Company was dispatched to a building fire at the Mispillion Apartments in the 1000 block of South Walnut Street. Upon arrival smoke was showing from the second floor apartment. A female occupant was transported to Bayhealth Sussex Campus suffering from smoke inhalation. She was reported to be in good condition and expected to be released later that evening. Deputy Fire Marshal Investigator has determined the fire began on the stovetop when grease was left heating on the stove unattended. The grease erupted into flames causing damage to the kitchen. Damage estimated at \$2500. The building's smoke alarm and fire alarm activated alerting other residents of a fire.

#### DTI – Program Update/Computer Deployment Updates/Office 365

Fire Marshal Ingle reported that they are making significant progress with the Incident Program. There are still a few issues with the Technical Services side of it and those are working on being corrected within the next few weeks. They are ready to move onto the next project.

There was a major statewide phone outage on May 17<sup>th</sup> that did not allow state agencies to receive or make outgoing phone calls. DTI reported that a technical issue was occurring between Cisco and Verizon communications. The Office of State Fire Marshal was not ignoring phone calls as reported by a fire service member over the radio. Fire Marshal Ingle is working with DTI to determine if it is feasible to put two lines on a separate circuit to protect something like this from happening in the future. Fire Marshal Ingle reported that he has not received any complaints or reports that any of the agency clients were affected.

#### House Bill 53 and House Bill 117

Fire Marshal Ingle reported on House Bill 53. This is a Fireworks bill that has passed both the House and Senate. This will permit the sale of sparklers during the Dewalli Festival. This will be set up the same as the regular fireworks have been done. They will be allowed to be sold 30 days prior to and including the day of the event.

House Bill 117 is with regard to prohibiting flame retardants in numerous materials such as mattress's, children's products, etc. There is a list of chemicals that have been determined to be hazardous in the flame retardants. The mattress industry will still have to meet a flammability standard, but the product being used will change.

#### New Castle County Gate

The gate at the New Castle County division has been repaired after two months of not working properly.

#### Fleet Services

Fire Marshal Ingle reported that seven of the nine fleet vehicles have been received.

DFIRS Incidents Received

TOTAL STATE PARTICIPATION IN COMPLIANCE			
70 %			
DELINQUENT DEPARTMENTS			
New Castle County			
Brandywine Hundred		February – March	
Five Points		March	
Hockessin		March	
Minquadale		November – December (2018), March	
Townsend		February – March	
Kent County			
Cheswold		January – March	
Frederica		March	
Harrington		December (2018), January – March	
Hartly		March	
Houston		February – March	
Marydel		January – March	
South Bowers		January	
Sussex County			
Georgetown		March	
Millville		March	
Memorial		March	
Roxana		February – August, October – December (2018), March	
OVERDUE REPORTS BY DAYS			
30 Days	60 Days	90 Days	90+ Days
7	3	3	3

Source: DFIRS Incidents received as of 5/13/19.

## **REPORT OF THE STATE FIRE SCHOOL DIRECTOR**

### **Director**

- Station 21 Incident Review – Director Newnam reported that his staff members have completed their Station 21 Incident Review preliminary report. The report has been submitted to the three out of state individuals chosen for further review. Director Newnam will contact Chairman Roberts when their comments are received.
- Certification Testing (April 27-28) held in Computer Lab through Delaware Learning Center
  - 22 students Haz. Mat., 5 students Fire Officer I/II, 2 students FF I/II, 1 student Safety Officer

### **Staff Activities**

- Staffed registration on Friday/Saturday for Haz. Mat. Conference – Administrative Specialist Barr
- Grant Review (FP&S) May 28-31, National Emergency Training Center - Sr. Instructor O'Malley
- Phase 5 Training Prop Demo for Bradford County, PA – Sr. Instructor's Dempsey and Ingram
- Staff temporary assignments – Sr. Instructor Brennan, June EMT program, Sr. Instructor Miller, July EMT program, Sr. Instructor Baker, Kent EMR program and LEMR programs.
  - Fall programs to be scheduled by July. Active Shooter programs - not assigned.
  - Administrative Specialist Brittingham – assigned NREMT student practical sign-off. Director Newnam assigned Ms. Brittingham because National Registry has a requirement that only one person can sign off on the student practicals. He can't assign it to someone who may be off of work or out of the office.

### **Programs/Courses**

#### **Figures in red are reference to last year's comparison of class attendance.**

- Current Month
  - Haz. Mat. Conference – Friday, 159 attended (196) – Saturday, 91 attended (124)

Programs/Courses cont.

- Fire Service Financial Overview
  - New Castle – 62 attended representing 17 companies
    - 2 company's representatives attending Kent presentation (19)
  - Sussex – 25 attended representing 9 companies
  - Kent – 43 registered representing 10 companies
- RIT – Basic – 20 students (26)
- Phase V – Observation – 6 students (2)
- Phase V – Evolutions – cancelled (5 students) (7)
- Haz. Mat. Tech Refresher – cancelled 4 students (16)
- EVO – Sussex – 18 students (21)
- Haz. Mat. Tech – 40 hr. – 25 students (21)
- Rope Rescue – 14 students (9)
- Firefighting Foam – 7 students
- EVO New Castle – 23 students (16)
- Haz. Mat. Tech – 24 hr. – 2 students (2) (1)
- Brigade Leadership Skills – 4 students (5) (Held in-service with 13 students)
- EVO – Kent – 19 students
- Divisions Usage
  - New Castle – 12 classes scheduled
  - Kent – 6 classes scheduled
  - Sussex – 0 classes scheduled
- Additions – Revisions
  - Confined Space Rescue – updated the program to
  - Updating 12 Instructor Presentation Kits (laptop/projector) – a continuing project

**EMS**

- Current Month
  - CEU programs – 7 programs scheduled
  - EMR – weekday – 13 students (25)
  - BLS Provider - Kent, CPR – 10 students
  - BLS Provider – Sussex. CPR – 3 students
  - EMT Accelerated class, mandatory meeting 05-21, – 24 students , starts June 3<sup>rd</sup>
    - July class – 15 students



### **Public Education and Injury Prevention - Activity Report**

- Current Month
  - Fire Safety Programs – 0 scheduled (2)
  - DSFS Tours – 3 scheduled (1)
  - Fire Safety Displays – 4 scheduled (1)
  - Injury Prevention Programs – 7 scheduled (7)
  - Injury Prevention Events – 2 scheduled (1)

### **Maintenance – Building and Grounds**

- Repairs/replacement sidewalk front New Castle Division completed
- Removed tree and graded area – New Castle Division, sight line security camera
- Kitchen HVAC project May 20 - 31<sup>st</sup>
- Video Conference equipment – KCD, Room 10 – completes the project – All Divisions

### **Financial**

- Past Due Billings
  - 30 days – 100.00
  - 60 days – 5,600.00
  - 20678 Tuition Fund – 568,572.00
  - Accounts receivable – 165,520.00
  - Revenue Comparison
    - Tuition – 2019 – 64,537.00, 2018 – 60,757.00
- Special Funds Summary – The Special Funds Summary report was submitted to the Commissioners for review.
- Expenditure Report – The Expenditure report was submitted to the Commissioners for review.

### **Staff and Office Staff Meeting Minutes**

Staff and office staff meeting minutes were submitted for Commission review.

### **Personnel Issues**

- 20 years State Service – DSFS 10/2007 – Tom Faison  
It was moved by Commissioner Truitt, seconded by Commissioner Perillo to send Mr. Faison a letter of appreciation in recognizing his 20 years of state service. Motion carried by a unanimous vote.
- Resignation – Matt Gajdos – request to advertise, interview and fill the open position. It was moved by Commissioner Truitt, seconded by Commissioner Perillo to authorize Director Newnam to advertise, interview and hire for the vacant position of Senior Instructor. Motion carried by a unanimous vote.
- Mike Chillas returned to work – May 20<sup>th</sup>
- Field Instructor Resignation – 38 years of service – Russ Amidon

### **Scheduled Activities**

Director Newnam will be out of the office on annual leave May 23<sup>rd</sup> – 24<sup>th</sup>.

### **REPORT OF THE BLS MEDICAL DIRECTOR**

The flu continues to slow in Delaware, and is considered sporadic at this point. There were more than 6,000 confirmed cases in Delaware this year. There have been 23 flu related deaths statewide.

Dr. Matthews reported that word traveled quickly statewide with regard to his concerns of the CPR Assist Device (Lucas Device) not being used properly in Delaware, which causes it to migrate off of site. He looks forward to hearing about feedback and is pleased to see corrections being made.

Dr. Matthews reported on a May 15, 2019 memo from Dr. Robert Rosenbaum, EMS Medical Director of New Castle County. The memo was distributed statewide through the Fire Prevention Commission State BLS Medical Director, Dr. Patrick Matthews. Dr. Rosenbaum has reviewed the use of the Mechanical CPR Device in New Castle County. He was concerned about some preventable delays in proceeding with CPR. He felt the best way to reinforce the best practice of immediate hands on CPR was to provide guidance through the memo. This states that only manual CPR should be used in the first 10 minutes of a cardiac arrest case. After the 10 minutes and in correlation with ALS, the Mechanical CPR device is still something that can be utilized and especially for patient transport. This is based on his data within New Castle County. Dr. Rosenbaum went to the State Chief's Association meeting to discuss his plan to implement the guidance policy. The subsequent memo was only for EMTs that practice in New Castle County. Kent and Sussex County Medical Directors did not feel that such language or guidance

REPORT OF THE BLS MEDICAL DIRECTOR cont.

was needed at this time based on their data. This does not change the standing orders, but only addresses the timing of the Mechanical CPR Device in New Castle County.

Chairman Roberts felt that the memo did cause confusion within the BLS Community, because it isn't clear how a policy can be put in place only for New Castle County and not statewide. EMTs work out of County on a regular basis, crossing county lines often.

Commissioner Marvel asked if it were mandatory for an EMT to provide Manual CPR for 10 minutes on a patient upon arrival. Will they be required to appear before the Commission if they were determined to not provide manual CPR for 10 minutes as the policy states? Dr. Matthews stated that each would be judged on a case by case basis. Commissioner Marvel feels that Dr. Rosenbaum had a single opinion that two other Medical Directors did not have and this decision puts the BLS community in a predicament. This places too much confusion on the provider between counties and medical direction.

Commissioner Truitt asked if the policy decision was outcome driven. Dr. Matthews stated that it was. She asked if he was aware with what other states are doing and he stated that this policy was modeled after language from Pennsylvania's policy.

Commissioner Marvel reported that Nanticoke Hospital has been on divert 40 Hours out of the first 20 days of May.

Commissioner Marvel also reported on Ms. Lambertson providing information with regard to EMTs practicing after they have been decertified. They could have been decertified for not renewing their certification by their expiration date, not taking the updated Standing Orders and Protocols testing, Commission discipline, etc. Commissioner Marvel suggests that an EMT's identifying number will be locked out of the DEMRS system when they have been decertified by the Fire Prevention Commission. When and if they regain their EMT Certification, they may be reinstated to a full patient care reporting ability in the system. Ms. Lambertson will coordinate a policy between the Commission and OEMS for the purpose of notification.

**REPORT OF THE INVESTIGATOR/COMPLIANCE OFFICER**

18 Annual Ambulance Unit Inspections

0 New Unit Inspections

12 Complaints Received

9 Arrest Notifications were received.

2 Patient Care Issues

1 Social Media Complaint

2 New Investigations

5 Open Cases from 2018

9 Open Cases from 2019

Mr. Truax requested a hearing for Case No. 1906 to be placed on the June 18, 2019 agenda. It was moved by Commissioner Perillo, seconded by Commissioner Marvel to schedule a June 18<sup>th</sup> hearing for Case No. 1906. Motion carried by a unanimous vote.

Consent Agreement Case No. 1829 and 1832 will come before the Commission for action. It was moved by Commissioner Truitt, seconded by Commissioner Perillo to proceed with Case No. 1829 and 1832. Motion carried by a unanimous vote.

**REGULAR BUSINESS**

**ACTION ITEMS**

**EMT Hearing – Case No. 1821**

A formal hearing for Case No. 1821 began at 10:14 a.m. and ended at 11:04 a.m. Commissioner Leonetti recused himself from the hearing due to a conflict. Deputy Attorney General Plerhoples began with opening arguments. The Joseph Olivero represented himself and presented his own opening and closing arguments. The following individuals testified at the hearing: David Truax, Investigator and Joseph Olivero, EMT. Deputy Attorney General moved to closing argument after all testimony was completed.

After deliberation it was moved by Commissioner Truitt, seconded by Commissioner Perillo, to suspend Joseph Olivero for three years from the date of the executed order, and stay the suspension for three years of probation to include the following conditions; there is zero tolerance for drug and alcohol use or drug or alcohol related arrests to include random drug testing as directed by the Fire Prevention Commission. All cost will be borne by the defendant. The motion was carried by a roll call vote.

EMT Hearing – Case No. 1821 cont.

Commissioner Truitt -	Yes
Commissioner Marvel -	No
Commissioner Kelly -	Yes
Commissioner Leonetti -	Recused
Commissioner Perillo -	Yes
Vice Chairman Robinson -	Abstained
Chairman Roberts -	Yes

EMT Waiver Request

A formal EMT Waiver Request hearing for Mr. Ryan Wurzel. Mr. Wurzel requested to address the Commission with regard to questions that arose during his background check to become a Delaware EMT. Mr. Wurzel was previously convicted of crimes that would require a waiver from the Fire Prevention Commission to challenge the National Registry EMT Test. Mr. Wurzel spoke on his behalf and presented evidence to the Commission that included letters of support. Tucker Dempsey, Fire Chief of Cheswold Fire Company spoke on behalf of the Board of Directors in support of Mr. Wurzel being granted an EMT waiver. Chief Dempsey stated that Mr. Wurzel has been an asset to the fire company and has the support of the company. It was a unanimous decision of the Board of Directors of Cheswold Fire Company to attend in his support.

It was moved by Commissioner Truitt, seconded by Commissioner Marvel to grant Ryan Wurzel a waiver to give him the ability to challenge the National Registry EMT Test and upon a successful completion, obtaining a Delaware EMT certification. Motion carried by a roll call vote.

Commissioner Truitt -	Yes
Commissioner Marvel -	Yes
Commissioner Kelly -	Yes
Commissioner Leonetti -	Yes
Commissioner Perillo -	Yes
Vice Chairman Robinson -	Yes
Chairman Roberts -	Yes

EMT Consent Agreement – Case No. 1829 and 1832

It was moved by Commissioner Truitt, seconded by Commissioner Perillo to accept the Consent Agreements for Cases No. 1829 and 1832. Motion carried by a unanimous vote. Commissioner Leonetti recused himself from the vote due to a conflict.

## **NEW BUSINESS**

### **Chairman Roberts Comments – Delaware State EMS Association**

Chairman Roberts wanted to take a moment and congratulate Jason Capps, President of the State EMS Association for the successful workshop that he presented earlier in May. He felt that good things came from it and they will be worked on in the future as a group effort. Although the subject matter can be sensitive, it was apparent that the group in attendance would participate in working groups and present positive feedback.

### **EMS Week**

It was moved by Commissioner Leonetti, seconded by Commissioner Truitt to send a thank you letter out to all of the EMTs by email, thanking them for their service. Motion carried by a unanimous vote.

## **GENERAL INFORMATION**

None.

## **CORRESPONDENCE**

None.

## **MISCELLANEOUS INFORMATION**

None

## **REPORT OF THE COMMISSIONERS**

### **Vice Chairman Robinson**

Vice Chairman Robinson reported that he attended the Monthly Commission Meeting, Kent County Vol. Firefighters Association Meeting, CFSI Conference in Washington D.C., Citizens Hose Fire Company Church Attendance, Citizens Hose Fire Company Meeting, and Citizens Hose Fire Company Board of Directors Meeting.

Commissioner Ron Marvel

Commissioner Marvel reported that he attended the Monthly Commission Meeting, Seaford Fire Company Meeting, Sussex Fire Chiefs Meeting, Sussex County Firefighter's Association Meeting, CFSI Conference in Washington D.C., Seaford Fire Company Meeting, Financial Seminar at Georgetown Fire School Division, and Sussex Chief's Meeting.

Commissioner Lynn Truitt

Commissioner Truitt reported that she attended the Monthly Commission Meeting, Firefighter Viewing and funeral service, and State Fire Chief's Association Meeting.

Commissioner Joseph Leonetti

Commissioner Leonetti reported that he attended the Monthly Commission Meeting, New Castle County Fire Chief's Association Meeting, New Castle County Volunteer Firefighters Association Meeting, Delaware State EMS Association Workshop on Advanced Emergency Medical Technician, and State Emergency Response Commissioner Meeting on SERC LEPC Budgets.

**DATE OF NEXT MEETING**

June 18, 2019 – 9:00 AM  
Commission Chamber  
Delaware Fire Service Center  
1463 Chestnut Grove Road  
Dover, DE 19904

**ADJOURNMENT**

It was moved by Commissioner Truitt, and seconded by Commissioner Perillo that the meeting be adjourned. Motion carried by a unanimous vote. The meeting was adjourned at 11:44 a.m.

Respectfully submitted,

*Sherry R. Lambertson*

Sherry R. Lambertson  
Executive Specialist

sl/